

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DARRYL KROEGER, and JOANNE  
KROEGER,

Plaintiffs,

**V.**

REXALL SUNDOWN, WAL-MART  
STORES, and RS OLDCO,

Defendants.

8:05CV121

ORDER OF DISMISSAL  
(Defendant Rexall Sundown, Inc.)

The matter before the court is the parties' joint Dismissal Memorandum, Filing No. 13. The court finds that this matter should be dismissed against defendant Rexall Sundown, Inc., individually, without prejudice.

IT IS THEREFORE ORDERED that, pursuant to Fed. R. Civ. P. 41(a)(1), the plaintiff's cause of action against the defendant Rexall Sundown, Inc., individually, is hereby dismissed in its entirety, without prejudice, and with the parties to be responsible for their own costs and attorney fees.

DATED this 22nd day of April, 2005.

BY THE COURT:

**s/ Joseph F. Bataillon**  
United States District Judge